## DOCKET FILE COPY ORIGINAL

# BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, DC 20554

In the Matter of	)	ORIGI
Amendment of Section 202(b) Table of Allotments, FM Broadcast Stations (Pitkin, Louisiana, Missouri City, Texas and Reeves, Louisiana)	) ) ) )	MM Docket No. 99-26 RM-9436 RM-9651 RM-9652
To: Chief, Allocations Branch Policy and Rules Division		JC 2 1999

#### SECOND SUPPLEMENT TO REPLY COMMENTS AND OPPOSITION TO COUNTERPROPOSAL

Mass Media Bureau

El Dorado Communications, Inc. ("El Dorado"), by its attorneys, hereby further supplements its Reply Comments and Opposition to Counterproposal ("Reply Comments") filed on June 24, 1999, in the above-referenced rule making proceeding.

Attached hereto is a copy of El Dorado's Informal Objection to Tichenor License Corporation's ("TLC") pending license application for KRTX(AM), Rosenberg-Richmond, Texas (filed April 15, 1999), and the Commission's July 5, 1999, grant of Program Test Authority ("PTA") for the station's modified facilities. In the Informal Objection, El Dorado has demonstrated that TLC's defective license application should be dismissed, the underlying construction permit declared forfeited, and the grant of PTA revoked.

The matters addressed in the Informal Objection are relevant to the instant proceeding because in TLC's counterproposal for Missouri City, Texas, TLC asserted that if KOVA(FM) is permitted to abandon Rosenberg, Texas, and relocate to Missouri City, Texas, Rosenberg will still be served by a full-time station, KRTX(AM). In fact, as El Dorado stated in its Reply

No. of Copies rec'd 674.

Comments and has further demonstrated in the Informal Objection, KRTX(AM) is not licensed to operate at night, and under proper application of the Commission's Rules should not be so licensed, because TLC failed to file a complete license application prior to the expiration of the KRTX(AM) construction permit on April 16, 1999.

WHEREFORE, El Dorado respectfully requests that the Commission ACCEPT this Second Supplement to Reply Comments and Opposition to Counterproposal in the abovereferenced proceeding, CONSIDER the information contained herein regarding the daytime-only status of Station KRTX(AM), RESCIND the Notice of Proposed Rule Making regarding Pitkin, Louisiana, that initiated the above-captioned proceeding, and TERMINATE the above-captioned proceeding.

Respectfully submitted,

EL DORADO COMMUNICATIONS, INC.

y & Platanua Lawrence Roberts Richard L. Cvs

Mary L. Plantamura

Davis Wright Tremaine LLP Suite 700

1155 Connecticut Avenue N.W.

Washington, DC 20036

(202) 508-6600

Its Counsel

July 22, 1999

#### **EXHIBIT A**

## TO SECOND SUPPLEMENT TO REPLY COMMENTS AND OPPOSITION TO COUNTERPROPOSAL

INFORMAL OBJECTION Of El Dorado Communications Filed July 22, 1999

#### BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, DC 20554

In re Application of	)
TICHENOR LICENSE CORPORATION For License to Cover BP-900130AE BMP-970319AB	) ) ) FCC File No. BL-990415DC
Station KRTX(AM) Rosenberg-Richmond, Texas	) ) )

To:

Chief, AM Branch Audio Services Division Mass Media Bureau

#### INFORMAL OBJECTION

El Dorado Communications, Inc. ("El Dorado"), by its attorneys, hereby objects to the above-captioned application (FCC File No. BL-990415DC) for license to cover facilities authorized in the construction permit of Tichenor License Corporation ("TLC") (FCC File Nos. BP-900130AE and BMP-970319AB) filed by TLC on April 15, 1999, with respect to Station KRTX(AM) and the grant of Program Test Authority ("PTA") associated therewith. Because TLC failed to file a complete license application prior to the April 16, 1999, expiration of the construction permit, the permit has automatically expired under the Commission's Rules, and the Commission improperly granted PTA on July 5, 1999. The Commission should revoke PTA immediately, deny the license application, and declare the underlying construction permit forfeited. In support whereof, the following is stated:

#### **Background**

On September 7, 1993, Station KRTX(AM) was issued a construction permit to operate with 5 kW power during the day and 4 kW at night using directional antennas at two separate

sites. Repeated delays in completing construction plagued this permit, and after the Commission granted numerous extensions of time, the permit was due to expire on April 16, 1999. See FCC Form 361, Extension or Replacement of Construction Permit for KRTX(AM), granted October 16, 1998, attached hereto as Exhibit 1. One day prior to the expiration of the permit, on April 15, 1999, TLC filed a license application, but the application was incomplete in numerous critical ways:

- 1. Field strength measurements had not been completed;
- 2. Horizontal plane radiation patterns were not included;
- 3. Measurement location maps were not included;
- 4. Monitor point information was not included; and
- 5. RF impedance measurements were not included.

Moreover, the permit also authorized the construction of a daytime directional facility at the current KTRX(AM) daytime site, but the license did not address the modified daytime operation. See FCC Form 302-AM, Application for AM Broadcast Station License of KRTX(AM), FCC File No. BL-990415DC, attached hereto as Exhibit 2.

Despite the omission of vital information in the license application, on July 5, 1999, the Commission's staff granted KRTX(AM) PTA. In so doing, the staff recognized other deficiencies in the application, citing coordinates at variance from the permit and a main studio location issue. See July 5, 1999, letter to Richard A. Helmick, Esq., from Edward P. DeLaHunt, attached hereto as Exhibit 3.

#### **Incomplete Application Must be Dismissed**

The Commission's Rules provides that a permittee must complete construction and file a license application prior to the expiration of the permit. See 47 C.F.R. § 73.3598. Failure to do so results in automatic forfeiture of the permit. 47 C.F.R. § 73.3598(e). Section 73.1620 of the Rules specifies what an AM directional permittee, such as TLC, must provide in a license

application. Under § 73.1620, a permittee of an AM station with a directional antenna system must file a license application on FCC Form 302-AM requesting program test authority, and that the applicant "must provide an AM directional antenna proof of performance, containing the exhibits required by § 73.186." 47 C.F.R. § 73.1620(a)(4). Section 73.186 requires the submission of numerous field strength measurements, as well as maps, monitor point descriptions and photographs, network schematics and impedance plots. *See* 47 C.F.R. § 73.186.<sup>1</sup>

The KRTX(AM) license application was defective because it lacked the measurements, maps and field data specified above. In fact, the technical exhibit that accompanied the application admitted that the application was an "incomplete document." It stated that operating specifications would be detailed in a supplemental filing, "within several weeks," and that the results of the antenna tuning would be described "in a supplemental filing." It confessed that the requirements for the filing had not been met when it requested that PTA and a license be granted "upon completion of all requirements." It further stated that serial numbers and calibration dates would be provided in a supplemental filing, and that monitor points would be described and pictured in the supplement. Five of the seven exhibits to the application were either completely missing or only partially complete<sup>2</sup>; the exhibit page stated "will be provided in supplemental material," for each of the following exhibits:

Exhibit B -- "Horizontal Plane Radiation Patterns"

Exhibit C -- "Field Strength Measurements and Analysis"

<sup>&</sup>lt;sup>1</sup> The Commission recently initiated a rule making proceeding to examine the testing procedures for AM stations that use directional antennas. While the Commission has proposed to reduce the amount of technical data that must be supplied in proofs of performance tests, even under the proposed new rules the KRTX(AM) license application would be incomplete. See Notice of Proposed Rule Making in MM Docket No. 93-177, released June 11, 1999.

<sup>&</sup>lt;sup>2</sup> Exhibit pages for exhibits D and F indicated "will be provided in supplemental material," but additional exhibits were also labeled "D" and "F," which contain some data. It is not clear whether these inconsistent exhibits are complete.

Exhibit D -- "Measurement Location Maps"

Exhibit E -- "Monitor Point Information"

Exhibit F -- "R.F. Impedance Measurements"

See highlighted portions of Technical Statement to License Application, included in Exhibit 2 hereto.

The information missing from the KRTX(AM) license application is not minor or inconsequential; it is so extensive as to render the application patently defective. The missing measurements and data are necessary for the staff to determine whether the station is operating within the terms of its construction permit. Without that data, the license application is a hollow document that does no more than assert that facilities have been built, without any demonstration as to what has been built.

Thus, TLC failed to file a complete license application prior to April 16, 1999, the date of expiration of the permit and, under § 73.3598, the last day for it to do so. Nor did the license application contain a request for waiver of the requirement that the engineering data be submitted. Applications that are patently not in accordance with the Commission's Rules and do not contain an appropriate request for waiver are defective, and will be dismissed by the Commission. 47 C.F.R. § 73.3566. TLC's patently defective (and admittedly incomplete) application, therefore, must be dismissed.

The Commission's staff has dismissed such patently defective applications in the past. By letter of June 3, 1999, the staff dismissed the license application of Station WQBS(AM), San Juan, Puerto Rico, for, among other things, failure to complete daytime and nighttime proofs of performance, omission of certain monitoring point data and field strength measurement data, as well as erroneous geographic coordinates. *See June 3*, 1999, letter to John A. Borsari, Esq., from Edward P. DeLaHunt, attached hereto as Exhibit 4. The patently defective KRTX(AM)

application must likewise be dismissed.

#### Construction Permit Has Been Forfeited

Because TLC failed to file a properly completed license application prior to the expiration of the KRTX(AM) permit on April 16, 1999, the permit was forfeited as of that date. See 47 C.F.R. § 73.3598(e). Forfeiture of the permit was automatic and affirmative cancellation by the Commission is not necessary. *Id.* 

#### Program Test Authority Must Be Revoked

As demonstrated above, KRTX(AM)'s permit has been forfeited because a complete license application was not filed prior to the expiration of the construction period. Accordingly, PTA should not have been granted for a forfeited permit, and must be revoked immediately.

Furthermore, the Commission could not reasonably grant PTA in this case, where the application contained virtually no engineering for the Commission to review to evaluate KRTX(AM)'s operations. (See pp. 7 – 8 of Statement of John J. Mullaney (filed in MM Docket 99-26), indicating that without the necessary field measurements it is not possible for the Commission to grant PTA to KRTX(AM), attached hereto as Exhibit 5.) There is no evidence in the Commission's files or database that any supplemental information was filed to complete the application. In any case, any such supplement should not have been accepted after the April 16, 1999, expiration of the permit, because allowing an untimely supplement would effectively give TLC a de facto extension of time, beyond the expiration of the permit, to comply with § 73.3598. Such extensions of time are not permitted under the Commission's current Rules, effective since February 16, 1999. See 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes, 13 FCC Rcd. 23056, 23087 – 23093.

Moreover, according to the FCC's July 5, 1999, letter, the facilities were not built at the

coordinates authorized. *See* Exhibit 3. The license application not only lacked the engineering data essential to review of the station's new facilities, but it also indicated that the facilities were not built as originally proposed. It was wholly inappropriate for the Commission to grant PTA in this instance, where the license application was defectively incomplete AND the facilities had been built at variance from the construction permit. PTA, therefore, must be revoked immediately.

#### Conclusion

For the reasons stated above, El Dorado respectfully requests that KRTX(AM)'s defective license application (BL-990415DC) be **DISMISSED**, the underlying construction permit (BP-900130AE) be **DECLARED FORFEITED**, and the July 5, 1999, grant of PTA be **REVOKED**.

Respectfully submitted,

EL DORADO COMMUNICATIONS, INC.

I Platamua

By:

Lawrence Roberts

Richard L. Cys

Mary L. Plantamura

Davis Wright Tremaine LLP

Suite 700

1155 Connecticut Avenue, N.W.

Washington, DC 20036

(202) 508-6600

Its Counsel

July 22, 1999

#### **EXHIBIT 1**

# UNITED STATES OF AMERICA FEDERAL COMMUNICATION COMMISSION EXTENSION OR REPLACEMENT OF CONSTRUCTION PERMIT

ΑM

Call Sign: KRTX

Location: ROSENBURG-RICHMOND, TX

File No: BMP-980916DE

TICHENOR LICENSE CORPORATION 3102 OAK LAWN AVE. SUITE 215 DALLAS, TX 75219-6991

Grant Date: October 16, 1998

Expiration Date: April 16, 1999

The Authority contained in Authorization File No. BP-900130AE (underlying construction permit), which was granted on September 7, 1993, is hereby granted an extension of time to construct.

The modification of construction permit shall be attached to and be made a part of the construction permit of this station.

Except as herein expressly modified, the above-mentioned construction permit, subject to all modifications heretofore granted by the Commission, is to continue in full force and effect in accordance with the terms and conditions thereof and for the period therein specified.

rEDERAL
COMMUNICATIONS
COMMISSION



ISSUED BY: AELLIS

F.C.C. WASHINGTON, D.C.

FCC Form 361 October 1978

#### **EXHIBIT 2**

57804

Federal Communications Commission Washington, D. C. 29664

DUPLICATE
2080-0827
Expires 01/31/96

FOR FOC USE ONLY

# FCC 302-AM APPLICATION FOR AM BROADCAST STATION LICENSE

(Please read instructions before filting out form.)

FOR COL	MISSION	USE ONLY				
FILE NO.	R	-95	04	15	1	

SECTION I - APPLICANT FE	EINFORMATION	DUDILLO	
1. PAYOR NAME (Lest, First, Midd	die Initial)	DUPLICA	E
Tichenor License	Corporation		_
MAILING ADDRESS (Line 1) (Max	-		
3102 Oak Lawn Ave			
MAILING ADDRESS (Line 2) (Max	irrum 35 characters)		
Suite 215			
CITY		STATE OR COUNTRY (If foreign	
Dallas TELEPHONE NUMBER (Include au		TX CALLIETTERS	75219 OTHER FCC IDENTIFIER (if applicable)
contact counsel:		KRTX (AM)	OTHER FCC DENTIFIER (IT ICPRODUCE)
2. A. is a fee submitted with this ap		1-444	X Yes No
B. If No, Indicate reason for the a	temption (see 47 C.F.R. Section 1	.1112).	
Governmental Entity	Noncommercial edu	cational ticensee Othe	r (Please explain):
_	_	_	
C. If Yes, provide the following infor	metion:		
Foter in Column (A) the correct Fee	Type Code for the service you are:	sonving for Fee Type Codes may be	found in the "Mace Media Services Fee Filing
		Enter fee amount due in Column (C).	
<b>(A)</b>			*
Y~1	(B)	(C)	:
	1-1-1-1	FEE DUE FOR FEE TYP	=
FEE TYPE CODE	(B)	. , , , , , , , , , , , , , , , , , , ,	
FEE TYPE CODE	1-1-1-1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)	FOR FCC USE ONLY
	FEE MULTIPLE	FEE DUE FOR FEE TYP CODE IN COLUMN (A)	FOR FCC USE ONLY
FEE TYPE CODE  M M R	FEE MULTIPLE  0 0 0 1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE 0 0 1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)	FOR FCC USE ONLY  O Fee Type Code.
FEE TYPE CODE  M M R  To be used only when you are reque	FEE MULTIPLE  O O O 1  eting concurrent actions which resu	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It is a requirement to list more than or (C)	FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reque	FEE MULTIPLE  O O O 1  sting concurrent actions which resu	FEE DUE FOR FEE TYP CODE IN COLUMN (A) \$ 475.0  It in a requirement to list more than or	FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reque	FEE MULTIPLE  O O O 1  eting concurrent actions which resu	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It is a requirement to list more than or (C)	FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reque	FEE MULTIPLE  O O O 1  eting concurrent actions which resu	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It in a requirement to list more than or (C)  \$ 545.0	FOR FCC USE ONLY  FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reque	FEE MULTIPLE  0 0 0 1  sting concurrent actions which resu  (8)  0 0 0 1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It in a requirement to list more than or (C)  \$ 545.0	FOR FCC USE ONLY  FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reques  (A)  M O R  ADD ALL AMOUNTS SHOWN IN CAND ENTER THE TOTAL HERE.	FEE MULTIPLE  0 0 0 1  sting concurrent actions which resu  (8)  0 0 0 1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It in a requirement to list more than or (C)  \$ 545.0  YOTAL AMOUNT REMITED WITH THIS APPLICATION	FOR FCC USE ONLY  FOR FCC USE ONLY  FOR FCC USE ONLY
FEE TYPE CODE  M M R  To be used only when you are reques  (A)  M O R  ADD ALL AMOUNTS SHOWN IN C	FEE MULTIPLE  0 0 0 1  sting concurrent actions which resu  (8)  0 0 0 1	FEE DUE FOR FEE TYP CODE IN COLUMN (A)  \$ 475.0  It in a requirement to list more than or (C)  \$ 545.0	FOR FCC USE ONLY  FOR FCC USE ONLY  FOR FCC USE ONLY

SECTION II - APPLICAN	IT INFORMATION			· ·
1. NAME OF APPLICANT				
Tichenor Licen	se Corporation			
MAILING ADDRESS 3102 Oak Lawn	Avenue, Suite 21	5		
CMY Dallas		STATE TX		ZIP CODE 75219
2. This application is for:		<del></del>		
	⊠ Commercial	☐ Noncomm	ercial	
	AM Direc	tionel AM N	on-Directional	
Call letters	Community of License	Construction Permit File No.	Modification of Construction	Expiration Date of Last
KRTX	Rosenberg- Richmond, TX	BP-900130AE	Permit File No(s). BMP-970319AB	Construction Permit April 15, 1999
2 to the station pour	perating pursuant to auto	matic program that outbo	etti la socialosoc	[ Yes (\$\) No
with 47 C.F.R. Section		matic program test activ	only in accordance	☐ Yee ② No
if No, explain in an Exh	nibit. A complete no	ondirectional pr	oof of perform	
				required for PTA
<del>-</del>	onditions, and obligations	_	<del>-</del>	☐ Yes  X No
permit been fully met?			-	EXTRACT No.
If No, state exceptions	in an Exhibit. The KR	.TX nighttime di:	rectional	
antenna system	n has been const	-		ce measurements
grant of the underlying	ges alleady reported, lizs construction which would	d result in any statement		☐ Yee 😰 №
contained in the constru	iction permit application t	o be now incorrect?		Exhibit No.
If Yes, explain in an Exi	hibit.			
	ed its Ownership Report (i ',R, Section 73.3615(b)?	FCC Form 323) or owners	ship certification in	X Yes   No
If No, explain in an Exh	r			Does not apply
II NO, EXPIRIT III an EXT	ioit.			Esthibit No.
	ing been made or an adve th respect to the applica			☐ Y ◆
criminal proceeding, br	ought under the provision ated antitrust or unfair con	ns of any law relating to	the following: any	, ,
_	ischmination r ich as an Exhibit a fuil disc	logure of the newnee and	mattare involved	EXPLOTENCE:
including an identificati and file numbers), and been earlier disclosed	on of the court or admini- the disposition of the litig in connection with anoth	strative body and the pro- jetion. Where the requisiti ar application or as requi	ceeding (by dates te information has ired by 47 U.S.C.	<del></del>
submission by reference station regarding which	pplicant need only prove to the file number in the the application or Section lition of the previously rep	case of an application, the 1.65 information was file	e call latters of the	

FCC 302-AM (Page 2) August 1995

expanded band (1605 - 1706 kHz) or a permit or license eith	the Yea X No led	
band that is held in combination (pursuant to the 5 year t	<b>₹M</b>	
facility proposed to be modified herein?		Exhibit No.
If Yes, provide particulars as an Exhibit.		
The APPLICANT hereby waives any daim to the use o against the regulatory power of the United States because and authorization in accordance with this application. (Se	se use of the same, whether by !	icense or otherwise, and requests
The APPLICANT acknowledges that all the statements ma representations and that all the exhibits are a material application.		
CEF	RTIFICATION	
<ol> <li>By checking Yes, the applicant certifies, that, in the cashe is not subject to a denial of federal benefits that in Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S. non-individual applicant (e.g., corporation, partnership or no party to the application is subject to a denial of federal inpursuant to that section. For the definition of a "party" if Section 1.2002(b).</li> <li>I certify that the statements in this application are true, are made in good feith.</li> </ol>	ncludes FCC benefits pursuant C. Section 882, or, in the case o other unincorporated association benefits that includes FCC benefitor these purposes, see 47 C.F.	to f = n), iits R.
Name management of the second	Signature	
	-11	
Tichenor License Corporation		
by: McHenry T. Tichenor, Jr.	Ma	<del>I</del>
Tichenor License Corporation	Date Date	Telephone Number
by: McHenry T. Tichenor, Jr.	Date April 15, 1999	Telephone Number (214) 525-7712

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-679, DECEMBER 31, 1974, 5 U.S.C. 552a(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FCC 342-AM (Page 3)
August 1965

	. <del> </del>	<u> </u>	AUTO DATA				
Name of Applica	ant						
		<del></del>	r License	Corporation	on		<del></del>
PURPOSE OF	AUTHORIZATION	APPLIED FOR:	(check one)				
	Station License		☐ Direct Mea	surement of Pow	er		
1. Facilities au	thorized in constru	uction permit					
Call Sign		struction Permit		Hours of Oper	ation		in kilowatts
KRTX	(if applicable) BMP-97	0310NB	(kHz) 980	,,,	nlimited	Night 4.0	Day
2. Station local		0213VP	980	1 01	IIIIIIII	9.0	1.0
State	4011			City or Town			
J. 1.1.							
	Texas			R	osenburg	-Richmond	
3. Transmitter				1		<u> </u>	<del></del>
State	County			City or Town		Street address (or other identifi	antian)
Texas		Waller		Kat	V		. of Morton
4. Main studio	location				<del></del>	Rd. on FM	
State	County			City or Town	<u>, , , , , , , , , , , , , , , , , , , </u>	Street address	
T		Harris		Way 5	<b>+</b>	(or other identifi	
Texas	trol point location	·	therized direction	Hous	con	1415 N	Loop West
State	County	(specify only if a	Miorized direction	City or Town		Street address	
Ciale	County			Oity of Town		(or other identifi	cation)
Texas		Harris		Hous	ton	. •	Loop West
7. Does the sa	proved stereo ger mpling system me n Exhibit a detaile	eet the requiremen	nts of 47 C.F.R. S				
8. Operating c	onstants:						
	int or antenna cur		without	RF common p modulation for	day system	current (in ampe	•
	na or common po	oint resistance (in	ohms) at			n point reactance	e (in ohms) at
operating freque Night	ency	Day		operating frequency Night	uency	Day	
_	50.0	-	ate site		0.0	_	arate site
	ions for directions		acc bicc	<u> </u>		<u>5</u> ep.	Tace orce
		Antenna	monitor	Antenna mo	nitor sample	Antenna	a base currents
To	wers	Phase reading	(s) in degrees		ratio(s)		
		Night	Day	Night	Day	Night	Day
1	(NW)						
2 3	(NNW) (E) REF.					<del></del>	
4	(SW)		·		<del></del>	-	
2	,			<del></del>			
							<u> </u>
Manufacturer a	nd type of antenna	monitor:	Potomac 1	Instrument	s 1901-4		

9. Description of antennarray. Use separate sheet	a system (if directional antenr ts if necessary.)	na is used, the l	nformation req	uested below sho	ould be given	for each elemen	t of the
Type Radiator	Overall height in meters of radiator above base insulator, or above base,	above ground (without		Overall height in meters above ground (include obstruction lighting)		If antenna is either top loaded or sectionalized, describe fully in an Exhibit,	
Uniform cross	if grounded.		<b>.</b>	- -		Exhibit No	
section, vert. guyed steel.	59.42 m		60.66 m		50.66 m	DNA	·
guyeu sceer.	33.42 m		00.00 14	l	30:00 la <sub>1</sub>		
Excitation	Series	Shunt					
Geographic coordinates tower location.	to nearest second. For direct	tional antenna (	give coordinate	es of center of a	ray. For sing	le vertical radiat	or give
North Latitude	49	18	West Longitu	de 95	53	00	•
	43	10					
	ove, attach as an Exhibit furt er and associated isolation ci		dimensions in	ncluding any other	er	Exhibit No. DNA	
Also, if necessary for a co	mplete description, attach as	an Exhibit a ske	tch of the detai	ls and dimension	is	Exhibit No. A	
! certify that ! represent	No differ change in antenna or common No chan the applicant in the capacity true to the best of my knowless.	on point resista ges, does y indicated belo	nce. s not app	oly.	the foregoing	statement of te	chnical
Name (Please Print or T	(ne)	1,	Signaturo/che	ck appropriate bo	v haloui)		<del> </del>
			Signature Cité	A DA	V. M.	~ DN	
	I. Willoughby		Tyra	on H.	NXXXX	My	
Address (include ZIP Co	,		Date	April 15,	1999	0 ()	
1 -	by & Voss	į.		(Include Area Co			
P.O. Box	nio, Texas 78270	_1190		210-525-1	111		
San Ance	MIO, 16x45 70270	-1190	<del></del>	210-525-1	<u> </u>		
Technical Director		[	Registered	d Professional En	gineer		
Chief Operator		į.	X Technical	Consultant			
Other (specify)							
FCC 302-AM (Page 5) August 1995							

FCC FORM 302, SECTIONS III

## FCC FORM 302, SECTION III APPLICATION FOR STATION LICENSE

RADIO STATION KRTX
TICHENOR LICENSE CORPORATION

(FULL PROOF OF PERFORMANCE)
NIGHTTIME SITE

980 kHz, 4.0 kW, DA-N

ROSENBURG-RICHMOND, TEXAS

APRIL, 1999

CODyright (c) 1999

#### WILLOUGHBY & VOSS

BROADCAST TECHNICAL CONSULTANTS P.O. BOX 701190 SAN ANTONIO, TEXAS 78270-1190 (210) 525-1111

TICHENOR LICENSE CORPORATION KRTX RADIO 980 kHz, 4.0 kW, DA-N ROSENBURG-RICHMOND, TEXAS APRIL. 1999

#### NIGHTTIME SITE

FCC Form 302, Section III

Technical Statement

#### Exhibits:

- A. Antenna System & Site Related Exhibits
  Description of Antenna System
  Transmitter Site & Ground System Plat
- B. Horizontal Plane Radiation Patterns
  Non-Directional Polar Plot
  Directional & Standard Pattern Plot
- C. Field Strength Measurements and Analysis Family of Curves Measurement Dates & Times Summary Table of Inverse Distance Fields Log/Log Plots & Tabulations of Measured Data
- D. Measurement Location Maps Map Index Maps
- E. Monitor Point Information
  Photographs and Descriptions
  Route Map
- F. R.F. Impedance Measurements
  Equipment Set-up
  Tabulation & Graph of Non-directional Impedance
  Tabulation & Graph of Directional Impedance
- G. Schematic Diagram

TECHNICAL STATEMENT

TECHNICAL STATEMENT IN SUPPORT OF KRTX(AM) RADIO, 980 kHz, 4.0 kW, DA-N ROSENBURG-RICHMOND, TEXAS FULL PROOF OF PERFORMANCE NIGHTTIME SITE APRIL, 1999

#### INTRODUCTION

The firm of Willoughby & Voss has been retained by Tichenor License Corporation, to prepare this statement, on behalf of AM station KRTX, Rosenburg-Richmond, Texas. This statement and the attached exhibits, constitute an Antenna Full Proof of Performance.

All physical construction is complete and as of the filing of this incomplete document, proof of performance field strength measurements are being made.

#### **BACKGROUND**

1990-1995 BP-900130AE was granted. The agreement for land necessary for construction failed. Several extensions of the construction permit were granted.

1995-1997 Acquired by Tichenor License Corporation in 1995. MP-951030AD was filed for 4.6kW but was not granted due to contour overlap with KPRC. Several other sites were evaluated for possible use. BMP-970319AB was granted for the presently constructed site, however there were delays related to clearing the paper work to the land and multiple problems related to the numerous pipelines that criss-cross the site not only delayed construction but delayed closing on the site until June, 1998.

1998- present Inordinate delays in the delivery of equipment and material, even on orders placed June, July and August of 1998. Extensive and area-wide flooding occurred. After problems, the consultant was changed, and the land surveyor was changed.

A

Due to the investigation into the accidental death of a tower crewmember, the personnel of the construction company as well as the personnel of KRTX were tied up in depositions, etc. When lengthy delays were announced by the power company, a generator was purchased and installed to power the plant until primary service is delivered in several months.

Construction of this facility was completed April 14, 1999.

#### **FACILITIES**

All information contained in FCC File Numbers BMP-970319AB is accurate and valid, except as herein superceded.

The operating specifications will be detailed in the supplemental FCC Form 302, Section III, which will be provided within several weeks. The result of the antenna tuning will be described in the supplemental filing.

Upon completion of all requirements, it is requested that an FCC Form 352 (Standard Broadcast Station License) be issued to specify these operating parameters. Program Test Authority is respectfully requested.

#### FIELD STRENGTH MEASUREMENTS

While the KRTX system was operating in the non-directional mode (Tower #3) the antenna base impedance was measured as described in Exhibit F.

Based on the measured antenna resistance (17.3 $\Omega$ ), the proper antenna base current for 1.0 kW, was calculated and set at 7.60 amperes. This current was maintained while non-directional field strength measurements were made at appropriate intervals between the distances of 0.0 and 38 kilometers.

The nighttime directional common point impedance was measured in accordance with the methods described in Exhibit F. The directional common point current was calculated and set at 9.3 amperes.

A

This common point current was maintained while field strength measurements were made along the same radials, at the same locations which were measured in the Non-D mode.

Analysis of the data was conducted using logarithmic ratios of the directional readings divided by the Non-D reading on a point to point basis, then multiplying the anti-log of the radial average log ratio by the analyzed non-directional inverse distance field (IDF) to establish the directional IDF.

It is believed that study of the attached data will show that the KRTX directional antenna is operating within its construction permit Standard Pattern.

A summary page immediately proceeds the individual radial tabulations.

This summary page shows the ND-IDF, the Anti-Log of DA-Average log Ratio, the

1999 DA-Night IDF and the Construction Permit Standard Pattern Maximum IDF.

All measurements were made by the undersigned, and three additional teams, all using Potomac Instruments model FIM-41 meters. Serial numbers and calibration dates will be provided in the supplemental data.

#### MONITOR POINTS

The monitor points will be described and pictured in Exhibit E, and the requested maximum value for each monitor point will be stated at the end of the point description in the supplemental material.

#### **CERTIFCATION**

Lyndon H. Willoughby, the undersigned certifies and attests, under penalty of perjury, that:

- 1. He has been engaged in broadcast technology since 1964.
- 2. He has held a valid First Class Radiotelephone Operators License since 1967, and that his presently held document, number P1-8-14307, is valid for life.

A

- 3. His credentials are contained in other filings and are a matter of record with the Federal Communications Commission.
- 4. He is the owner of the firm of Willoughby & Voss, which has offices in San Antonio. Texas.
- 5. He made the R.F. Impedance and field strength measurements as well as the field strength measurement analysis contained in this document. He is familiar with the proper and normally accepted procedures for making such measurements and analysis.
- 6. Willoughby & Voss has been retained by Tichenor License Corp., to prepare the attached report.
- 7. The above statements and all statements contained in the attached material are true of his own knowledge and belief, and as to such statements made on belief, he believes them to be true.

April 15, 1999

Lyndon H. Willoughby Willoughby & Voss

Technical Consultant to: Tichenor License Corporation

EXHIBIT A
ANTENNA SYSTEM & SITE RELATED EXHIBITS

#### KRTX, ROSENBURG-RICHMOND, TEXAS 980 kHz. 4.0 kW DA-N. NIGHTTIME SITE

#### DESCRIPTION OF NIGHTTIME ANTENNA SYSTEM

1. Element and Type:

Four towers are base insulated, series-fed, uniform cross-section, square, guyed, steel towers.

2. Height of Elements:

All four towers = 59.42m (69.9°).

3. Overall Height of Elements:

All four towers = 60.66m AGL.

4. Orientation and spacing of the antenna array:

With Tower #3 as reference, Tower #1 (NW) is spaced 173.6° on a bearing of 277.5°T, Tower #2 (NNW) is spaced 263.3° on a bearing of 310.3°T, Tower #4 (SW) is spaced 199.3° on a bearing of 230.9°T.

5. Directional Array Theoretical Design Parameters:

	<u> </u>	<u>I #2</u>	<u>I #3</u>	<u>T #4</u>
Phasing (degrees)	+99.5	-23.1	-1.5	
Field Ratios	0.525	0.379	0.978	1.011

6. Directional Array Operating Specifications:

	<u>I #1</u>	<u>T #2</u>	<u>T #3</u>	<u>T #4</u>
*Phase Indications	101.	- <del>21.6</del> .	0.0	24.4.
*Sample Current Ratios	0.55	0.41	1.00	1.04
Base Current Ratios	0.50	0.40	1.00	1.00

<sup>\*</sup> As indicated by the Potomac Instruments 1901-4, Antenna Monitor.

7. Ground System Specifications:

At all towers, 120 equally spaced wires 61 meters long) are buried 8 to 12 inches deep. A four inch copper strap runs from the base of each tower to the transmitter building. A 24' by 24' copper screen mat is located about the base of each tower. All components are electrically bonded.

#### 8. Antenna Sample System:

The sampling system employed at KRTX, complies with the specifications of §73.68 of the FCC Rules.

The system employs Delta Electronics toroidal current transformer. The output of each TCT is fed to the Potomac Instruments Model 1901-4 antenna monitor by coaxial cable. This cable is solid outer and inner conductor, jacketed, foam dielectric, phase-stabilized sampling line. The sampling lines were trimmed to be of equal electrical length. The sampling line lengths were confirmed by electrical resonance measurement (on site) and found to have less than one degree of difference. Any excess sample line from the towers are subject to the same environmental conditions and buried in a pit behind the transmitter building.

# WALLER COUNTY TEXAS H. B. T. C. R. R. CO. SURVEY SECTION 109 BLOCK 1 AB 171 carge circles indicate 200ff extent of ground system KRTX RADIO EXHIBIT A 2 prepared by WILLOUGHBY & VOSS

## EXHIBIT B HORIZONTAL PLANE RADIATION PATTERNS

will be provided in supplemental material



## EXHIBIT C FIELD STRENGTH MEASUREMENTS & ANALYSIS

will be provided in supplemental material.



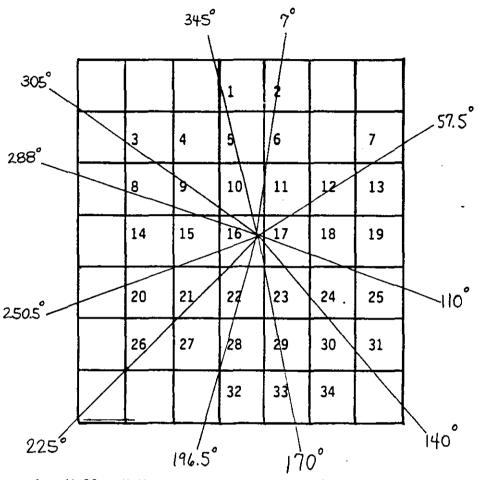
### EXHIBIT D MEASURMENT LOCATION MAPS

will be provided in supplemental material.



EXHIBIT D
MEASURMENT LOCATION MAPS

#### MEASUREMENT MAP INDEX



- Waller N.W. 1.
- Magnolia West
- 3. Buckhorn
- 4. Hempstead
- 5. Waller
- Hock ley 6.
- 7. Tomball
- Burleigh 8.
- 9. Sunny Side 10. Hockley Mound
- 11. Warren Lake
- 12. Cypress

- 13. Satsuma 14. Sealy 15. San Felipe
- 16. Brookshire (SITE)
- 17. Katy

- 18. Addicks
- 19. Hedwig Village 20. Rexville
- 21. Wallis
- 22. Fulshear
- 23. Richmond N.E.
- 24. Clodine
- 25. Alief
- 26. Lissie
- 27. East Bernard
- 28. Orchard
- 29. Richmond
- 30. Sugar Land
- 31. Missouri City
- 32. Hungersford
- 33. Kendleton
- 34. Needville

## EXHIBIT E MONITOR POINT INFORMATION

will be provided in supplemental material.



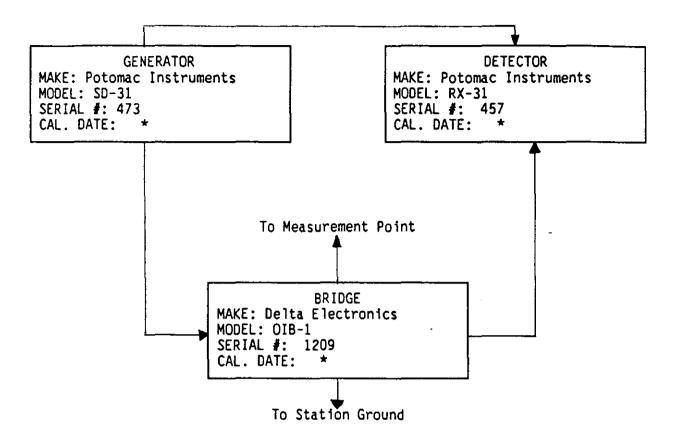
## EXHIBIT F R.F. IMPEDANCE MEASUREMENTS

will be provided in supplemental material.



EXHIBIT F
R.F. IMPEDANCE MEASUREMENTS

#### TEST EQUIPMENT SET-UP



#### IMPEDANCE MEASUREMENT PROCEDURE

\* Prior to measurements, the equipment was connected together in the manner specified by the manufacturer. The bridge calibration was confirmed by measuring precision resistance and reactance standards. The bridge indications were found to be within 1% and 2% for resistance and reactance respectively. The digitally synthesized frequency generator was calibrated to zero beat with know broadcast stations, and is believed to be accurate within ± 20 Hertz. These calibration procedures were performed on the job site by the individual making the measurements.

The feed line normally connected to the output terminal of the appropriate r.f. ammeter was connected to the bridge by means of the factory provided lead. The ground lead from the bridge was connected to the station ground. The equipment was operated according to the manufacturers' recommended procedures.

The resistance and reactance values were read from the bridge dials.

These readings were corrected for the frequency of measurement in accordance with the manufacturer's specifications.

The corrected measurements are tabulated and graphed and are contained in this report. A diagram showing the point at which these impedance measurements were made is also attached.

Delta Electronics rates the accuracy of the OIB-1 as follows:

Resistance:  $\pm 2\%$ ,  $1\Omega$ 

Reactance:  $\pm$  2%, 1 $\Omega$